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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shair *et al.* Examiner: Tran, My Chau T.  
Serial No.: 10/091,240 Art Unit: 1639  
Filed: March 5, 2002  
For: SYSTEM FOR DETECTING REPORTER GENE EXPRESSION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**

**UNDER 37 CFR §1.27(a)(3)**

**NON-PROFIT ORGANIZATION**

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of **President and Fellows of Harvard College**.

This assertion is made on the ground that **President and Fellows of Harvard College** is either:

- (a) a university or other institution of higher education located in any country;
- (b) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));
- (c) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or
- (d) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted,

Name:

Title:

Date:

1/6/05